

# House File 716 - Enrolled

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HOUSE FILE 716

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1 3 AN ACT  
1 4 RELATING TO THE MILITARY DIVISION AND THE HOMELAND SECURITY  
1 5 AND EMERGENCY MANAGEMENT DIVISION OF THE DEPARTMENT OF  
1 6 PUBLIC DEFENSE CONCERNING THE ACTIVATION AND USE OF THE  
1 7 CIVIL AIR PATROL, THE AUTHORITY OF THE ADJUTANT GENERAL TO  
1 8 ENTER INTO INTERSTATE AGREEMENTS FOR USE OF NATIONAL GUARD  
1 9 PERSONNEL, AND THE USE OF THE NATIONAL INCIDENT MANAGEMENT  
1 10 SYSTEM FOR STATE EMERGENCIES.  
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1 12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 13  
1 14 Section 1. Section 29A.1, Code 2005, is amended by adding  
1 15 the following new subsection:  
1 16 NEW SUBSECTION. 0A. "Civil air patrol" means the civilian  
1 17 auxiliary of the United States air force established by the  
1 18 United States Congress in 36 U.S.C. } 40301 et seq., and 10  
1 19 U.S.C. } 9441 et seq.  
1 20 Sec. 2. NEW SECTION. 29A.3A CIVIL AIR PATROL.  
1 21 1. The civil air patrol may be used to support national  
1 22 guard missions in support of civil authorities as described in  
1 23 section 29C.5 or in support of noncombat national guard  
1 24 missions under section 29A.8 or 29A.8A.  
1 25 2. Requests for activation of the civil air patrol shall  
1 26 be made to the commander of the Iowa wing of the civil air  
1 27 patrol. Missions shall be in accordance with laws and  
1 28 regulations applicable to the United States air force and the  
1 29 civil air patrol. Prior to activation of the civil air  
1 30 patrol, the adjutant general or the Iowa civil air patrol wing  
1 31 commander shall apply to the air force rescue coordination  
1 32 center, the air force national security emergency preparedness  
1 33 agency, or the civil air patrol national operations center for  
1 34 federal mission status and funding.  
1 35 3. If an operation or mission of the civil air patrol is  
2 1 granted federal mission status and assigned an accompanying  
2 2 federal mission number, the following shall apply:  
2 3 a. The operation or mission shall be funded by the federal  
2 4 government.  
2 5 b. When training or operating pursuant to a federal  
2 6 mission number, members of the civil air patrol shall be  
2 7 considered federal employees for the purposes of tort claims  
2 8 arising from the performance of the mission or any actions  
2 9 incident to the performance of the mission.  
2 10 4. If an operation or mission of the civil air patrol is  
2 11 not granted federal mission status and is not assigned an  
2 12 accompanying federal mission number, the following shall  
2 13 apply:  
2 14 a. Operations and administration of the civil air patrol  
2 15 relating to missions not qualifying for federal mission status  
2 16 shall be funded by the state from moneys appropriated to the  
2 17 homeland security and emergency management division of the  
2 18 department of public defense for that purpose.  
2 19 b. When performing a mission that does not qualify for  
2 20 federal mission status, members of the civil air patrol shall  
2 21 be considered state employees for purposes of the Iowa tort  
2 22 claims Act, as provided in chapter 669, and for purposes of  
2 23 workers' compensation, as provided in chapter 85.  
2 24 Sec. 3. Section 29A.12, Code 2005, is amended to read as  
2 25 follows:  
2 26 29A.12 POWERS AND DUTIES.  
2 27 1. The adjutant general shall have command and control of  
2 28 the military division, and perform such duties as pertain to  
2 29 the office of the adjutant general under law and regulations,  
2 30 pursuant to the authority vested in the adjutant general by  
2 31 the governor. The adjutant general shall superintend the  
2 32 preparation of all letters and reports required by the United  
2 33 States from the state, and perform all the duties prescribed  
2 34 by law. The adjutant general shall have charge of the state  
2 35 military reservations, and all other property of the state  
3 1 kept or used for military purposes. The adjutant general  
3 2 shall cause an inventory to be taken at least once each year  
3 3 of all military stores, property and funds under the adjutant  
3 4 general's jurisdiction. In each year preceding a regular  
3 5 session of the general assembly the adjutant general shall

3 6 prepare a detailed report of the transactions of that office,  
3 7 its expenses, and other matters required by the governor for  
3 8 the period since the last preceding report, and the governor  
3 9 may at any time require a similar report.

3 10 2. The adjutant general may enter into an agreement with  
3 11 the secretary of defense to operate the water plant at Camp  
3 12 Dodge for the use and benefit of the United States, and the  
3 13 state of Iowa upon terms and conditions as approved by the  
3 14 governor. The adjutant general may also enter into an  
3 15 agreement with the national guard of another state for the use  
3 16 of Iowa national guard personnel and equipment.

3 17 3. The adjutant general may request activation of the  
3 18 civil air patrol to provide assistance to the national guard  
3 19 in accordance with section 29A.3A. The adjutant general is  
3 20 authorized to provide suitable space in national guard  
3 21 facilities to support the civil air patrol.

3 22 Sec. 4. Section 29C.5, Code 2005, is amended to read as  
3 23 follows:

3 24 29C.5 HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION.  
3 25 A homeland security and emergency management division is  
3 26 created within the department of public defense. The homeland  
3 27 security and emergency management division shall be  
3 28 responsible for the administration of emergency planning  
3 29 matters, including emergency resource planning in this state,  
3 30 cooperation with, and support of, funding for, and tasking of  
3 31 the civil air patrol for missions not qualifying for federal  
3 32 mission status as described in section 29A.3A in accordance  
3 33 with operational and funding criteria developed with the  
3 34 adjutant general and coordinated with the civil air patrol,  
3 35 homeland security activities, and coordination of available  
4 1 services in the event of a disaster.

4 2 Sec. 5. Section 29C.8, subsection 3, paragraph g, Code  
4 3 2005, is amended to read as follows:

4 4 g. ~~Develop, implement, Implement and support a uniform the~~  
4 5 ~~national incident command management system as established by~~  
4 6 ~~the United States department of homeland security to be used~~  
4 7 ~~by state agencies and local and tribal governments to~~  
4 8 ~~facilitate efficient and effective assistance to those~~  
4 9 ~~affected by emergencies and disasters. This system shall be~~  
4 10 ~~consistent with the requirements of the United States~~  
4 11 ~~occupational safety and health administration and a national~~  
4 12 ~~incident management system.~~

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4 16 CHRISTOPHER C. RANTS  
4 17 Speaker of the House

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4 21 JOHN P. KIBBIE  
4 22 President of the Senate

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4 24 I hereby certify that this bill originated in the House and  
4 25 is known as House File 716, Eighty-first General Assembly.

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4 29 MARGARET THOMSON  
4 30 Chief Clerk of the House

4 31 Approved \_\_\_\_\_, 2005

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4 35 THOMAS J. VILSACK

5 1 Governor